

### REMARKS

This is in response to the Office Action that was mailed on April 30, 2008. Claims 1-31 were pending in that action and all claims were rejected. With the present response, claims 1-3, 8-12, 14-19, 21-24, 26 and 29-31 are amended. Claims 7, 20 and 25 are cancelled. The remaining claims are unchanged. For reasons that will be discussed in detail below, it is respectfully submitted that all pending claims, at least as amended, are in condition for allowance.

Beginning on page 2 of the Office Action, the Examiner objected to claim 19. With the present response, claim 19 has been amended to provide a remedy for the issue noted by the Examiner.

Beginning on page 2 of the Office Action, the Examiner rejected claims 1-12 and 15-31 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2001/0047270, which is attributed to Gusick. Beginning on page 6 of the Office Action, the Examiner rejected claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over the Gusick reference in view of U.S. Patent No. 6,177,932, which is attributed to Galdes. For reasons that will be discussed in detail below, it is respectfully submitted that all pending claims, at least as presently amended, are patentably distinguishable from the cited references of record.

With the present response, Applicant has amended independent claim 1 significantly. One of the changes that Applicant has made essentially equates to a relocation of the elements of now cancelled dependent claim 7 into claim 1. The elements of claim 7 logically pertain to steps that are taken before a survey is actually sent to a user. In particular, a query form is sent to a recipient that is a sponsor of the survey. With the present amendments to claim 1, Applicant has limited the claimed query form as containing query configuration tools including a plurality of controls that are selectively manipulable so as to dictate a content, order, and method of answering at least some survey questions to be included in the query that is eventually sent to

the user. It is first respectfully pointed out that the cited references of record fail to teach or suggest providing a query form as claimed.

Further, independent claim 1 now also includes a step of receiving query configuration data from the recipient. The claimed query configuration data is limited to being indicative of how the survey should be formatted in order to be consistent with manipulation of the plurality of controls by the recipient. It is respectfully pointed out that the cited references fail to teach or suggest receiving such query configuration data.

Still further, Applicant has amended independent claim 1 to clarify that the survey eventually provided to the user is formatted so as to be consistent with manipulation of the plurality of controls by the recipient. It is respectfully pointed out that the cited references of record also fail to teach or suggest providing a dynamic survey as claimed.

For at least the reasons noted above, it is respectfully submitted that independent claim 1, at least as amended, is in allowable form. Dependent claims 2-6, 8-19 and 21-24 are dependent upon independent claim 1 and are believed to be in allowable form at least for the same reasons discussed above in relation to that affiliated independent claim. Further, it is respectfully submitted that some or all of these dependent claims are allowable based on the merit of their own limitations. For example, dependent claim 10 further limits the step of receiving query configuration data to receiving query branching data. It is respectfully pointed out that all content provided to system manager 115 in the Gusick system is formatted directly by organizations 160. There is no teaching or suggestion that organizations 160 provide parameters for forming surveys to system manager 115. There is certainly no teaching or suggestion that organizations 160 should provide query branching data to system manager 115. Dependent claim 10 is but one example of a dependent claim that is believed to be allowable based on the merit of its own limitation.

With the present response, independent claim 15 has been substantially amended. For example, the claimed survey service component is now limited to providing a content provider with a pre-configured survey template along with tools for altering the template. The

cited references of record fail to teach or suggest providing any such pre-configured survey template. For at least this reason, it is respectfully submitted that claim 15 is in allowable form.

Further, claim 15 now limits the survey service component to receiving survey configuration information from the content provider in the form of an indication of alterations made to the pre-configured survey template utilizing the tools. It is respectfully submitted that the cited references of record fail to teach or suggest receiving information as claimed. This is another reason why it is believed that independent claim 15 is in allowable form. For these and other reasons, it is respectfully submitted that independent claim 15 is allowable.

Further, dependent claims 16-19 and 21-24 are dependent upon independent claim 15 and are believed to be in allowable form at least based on their dependence upon what is believed to be an allowable claim. Further, it is respectfully submitted that some or all of these dependent claims are allowable based on the merit of their own limitations. For example, dependent claims 21-24 further limit the nature of the tools for altering the survey that is ultimately presented to the user. It is respectfully submitted that the cited references fail to teach or suggest any tools, let alone the very specifically claimed tools of these dependent claims. These are just examples of dependent claims that are believed to be allowable based on the merit of their own limitations.

With the present response, independent claim 26 has been amended such that it now includes a step of providing a survey form to an entity interested in gathering information from a user. The claim now also includes receiving survey configuration data from the entity. Still further, as claimed, the survey configuration data represents manipulations of the survey formed by the entity. Also, the survey configuration data is indicative of how a survey to be sent to the user should be formatted. It is respectfully pointed out that the cited references of record fail to teach or suggest any scenario in which these types of steps are taken before a survey is submitted to the user. For at least this reason, it is respectfully submitted that independent claim 26 is in allowable form.

Further, dependent claims 27 and 29-31 are dependent upon independent claim 26 and are believed to be in allowable form at least for the same reasons discussed above in association with that affiliated independent claim. Further, it is respectfully submitted that some or all of these dependent claims are allowable based on the merit of their own limitations. For example, dependent claims 29-31 specifically limit the nature of the received survey configuration data. It is respectfully submitted that the cited references of record certainly do not teach or suggest receiving these very specific types of survey configuration data. These are just examples of dependent claims believed to be allowable based on the merit of their own limitations.

In summary, it is respectfully submitted that claims 1-6, 8-19, 21-24 and 26, 27 and 29-31 are in condition for allowance. Consideration and allowance of the pending claims are respectfully solicited. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /christopher l holt/

Christopher L. Holt, Reg. No. 45,844  
900 Second Avenue South, Suite 1400  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312

CLH:rkp